

Objectives Web-a-thon

Ensure Equitable Distribution of Benefits

June 13, 2013



MEETING SUMMARY

CALIFORNIA WATER PLAN UPDATE 2013 DAC-EJ OBJECTIVE 6:45 – 7:45 P.M. 815 S STREET, SACRAMENTO, CA

Meeting Objectives

Discuss and suggest revisions for the Related Actions associated with the Update 2013 Objective relating to Disadvantaged Communities (DAC) and Environmental Justice (EJ):

“Increase the voice of small and disadvantaged communities in State processes and programs to achieve fair and equitable distribution of benefits. Provide access to safe drinking water and waste water treatment for all California communities and ensure programs and policies address the most critical public health threats in disadvantaged communities.”

Welcome, Introductions and Agenda Review

The Update 2013 Objectives Web-a-thon was held on June 13-14, 2013 to discuss the draft 17 Objectives and the associated Related Action for the Water Plan. Introductions were made around the room and online. Kamyar Guivetchi, DWR, Manager, Statewide Integrated Water Management, welcomed everyone and noted that an online wrap up session will be conducted on July 9th, to conclude any items needing additional discussion. He explained that the web-a-thon workbook was prepared by DWR staff and subject matter experts, and is for discussion purposes only. The first few pages of this draft document provide definitions of terms and the Water Plan mission, vision and goals – which sets the context for the objectives and related actions. A brief review of the DAC-EJ objective and related actions (found on pages 45-48 of the workbook) would be followed by discussion on the text.

Overview

Jose Alarcon, DWR Project Team, provided brief background on how the objectives and related actions were developed. He and Francisco Guzman have reviewed the 37 Featured State Plans, related state agency plans with bearing on the Water Plan, and correlated the respective recommendations with the Water Plan objectives. These were forwarded to the subject matter experts for consideration in updating the related actions for each objective. Collectively, the objectives identify what is needed to accomplish the goals of the Water Plan. The related actions represent what is needed to accomplish each particular objective. The workbook contains a column for performance measures, which will help track each action and inform the next Water Plan Progress Report. Draft measures have been proposed for some of the objectives, and feedback is welcomed on potential performance measures – as well as the objectives and related actions.

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Document Walk Through

Lisa Beutler, Executive Facilitator for Update 2013, reviewed the DAC-EJ Objectives. She noted that the related actions included the 2009 action, plus four new action items developed by members of the DAC-EJ Caucus.

Related Actions

The proposed Related Actions, and the ensuing discussion, are presented below. These are carried over from Update 2009. Please note that the actions below have been abridged from the original text and the sub-actions are not included:

1. Provide incentives for the acquisition or management of small water systems.

Small systems often lack technical, managerial or financial resources to effectively operate the system. Many times, small systems serve disadvantaged communities (DACs) with limited resources. For mutual systems, education of the shareholders is extremely important for a proposed consolidation. Informed shareholders make better decisions.

Discussion:

- Maywood has three competing mutual water systems, consolidation could help.
- Acquisition and management are two different approaches, with different funding sources. Consolidation doesn't always mean connection with a pipe, it could be distributed systems (expert systems on top of data systems). Much of this is being addressed by Governor's stakeholder group. Incentives are needed.
- This needs to say "consolidation." You have to read a lot of this to get the idea of consolidation. This doesn't fit in the same way that we've written other actions.
- You either consolidate systems or management.
- AB 240 (Rendon), *Mutual Water Companies*, was originally drafted for Maywood. There are colonias near Imperial that have the same situation.
 - In Imperial, there are about 4,500 households that are not connected to a water system. We need to assure that they get water from certified providers. It would be beneficial if they were connected. There are people who don't have treated water – affordability is the issue.
- This action has several topics: consolidation, outreach and participation which also relate to actions #4 and #5.
 - Not all water systems have stakeholders.
 - Move incentives for participation to #5.

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- What funding is available for small systems?
 - The Department of Public Health (DPH) has done something along those lines. The rules under the State Revolving Fund say that projects on the priority list can move up to fundable if they address an issue on a fundable project of a small system.
 - Some of this might be addressed by the Governor's Stakeholder Group. Dave Orth or Laurel Firestone might be able to help with language.
 - ACTION ITEM: Eric Osterling will brief Dave Orth.
 - The State Revolving Fund cannot be used for operation and maintenance costs.

2. Establish graduated rates for wastewater treatment services

Affordability is a key challenge to developing wastewater infrastructure. Affordability applies to sewer hookup fees and to monthly sewer charges. A possible solution is a graduated monthly sewer charge with an initial "introductory rate." After a period of adjustment, the sewer rate is gradually increased to the level of other residential units in the area. This avoids a sudden economic impact of unexpected increases in monthly expenses. This is especially important in DACs.

Discussion:

- Sewer rates can be \$30 - \$35 per month. Going to City County, the septic fee would increase by \$2 instead. This would be similar to a lifeline rate.
 - When asked how the city was recouping its costs, it was explained that the wastewater was a supply for recycled water.
 - Someone has to operate the system and there needs to be a funding source to offset the reduced sewer rates.
 - The Governor's Stakeholder Group will be discussing funding in September. There should be language coming out of that.
- Conceptually there is a need to make it affordable for people to hook up to a sewer system.
- How is AB 885 (Onsite Wastewater Treatment, 2000) going to be funded? It requires the State Board to implement sewer upgrades. There might be a mechanism within that.
 - As you try to build scale, people pay for water and wastewater services. If agencies took on both responsibilities, would increase revenue.

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3. Ensure that the policy goals established in AB 685 (Eng, 2013), Human Right to Water are reflected in agency planning. The goals address safe, clean, affordable and accessible water adequate for human consumption, cooking and sanitary purposes.

Item #a: Give preference to policies that advance AB 685 and refrain from taking actions that adversely impact the human right to water. Item #b: Publicly report on the actions taken to promote AB 685. Item #c: Foster meaningful opportunities for public participation in agency decision-making by California's diverse population. Item #d: Facilitate access by rural and urban DACs to state funds for water infrastructure improvements. Item #e: Ensure the effectiveness of accountability mechanisms protecting access to clean and affordable water.

Discussion:

- Many systems are paying a lot of money for poor water. How can we give them good water for less money?
 - The International Human Rights Law Clinic at UC Berkeley issued a report in May of 2013, "*The Human Right to Water Bill in California: An Implementation Framework for State Agencies.*"
 - This is a helpful action. Should there be direction to the Governor's Office of Planning and Research? They could coordinate implementation.
 - Item #c (participation) is not just tied to AB 685. Separate actions are needed to address public participation and education.
 - Traditional outreach approaches are not necessarily useful. There are ways that communities self-identify.
4. California Department of Public Health (DPH) should continue to implement its Small Water System Program Plan (Plan) to assist small water systems (especially those serving DACs) that are unable to provide water that meets primary drinking water standards.

Item #a: CDPH share this Plan with other state, federal and local agencies and stakeholders to foster additional opportunities for funding, project coordination, and planning assistance. Item #b: CDPH should identify large water systems in close proximity to targeted small water systems and conduct outreach to encourage consolidation efforts. Item #c: CDPH should work with stakeholders to identify obstacles to consolidation and potential solutions. Item #d: CDPH should participate in statewide planning efforts, and partner with other agencies, to address the infrastructure needs of small water systems.

Discussion:

- Add a timeframe.

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- There are 183 systems on the DPH list, of which 65 were identified for the first three years. 16 systems have been addressed. Other systems are under some type of order, or they've done a pre-application for funding. Small systems are not easy. They've been gathered into DPH funding systems and are in line for planning grants. After completing the planning process, they will roll into a construction grant. These are systems with nitrate and arsenic exceedances.
- Regarding incentives, the SRF provides grants for up to \$250,000 to see if the small water system can form a fundable entity.

5. Increase DAC participation in water planning efforts.

Item #a: State agencies should incorporate environmental justice (EJ) issues of precautionary applications, cumulative health impact reductions, public participation, community capacity building and communication, and meaningful participation into Water Plan Update programs and other processes. Item #b: DWR should require that grant and loan recipients conduct outreach to DACs and vulnerable populations and their advocates to participate in statewide, regional and local water planning processes.

Discussion:

- FLAG Item #a. (Comment from Colin.) Precautionary principles and applications – prove it first.
- Item #b should include other state agencies.
- Item #b: outreach is broader than just grant and loan recipients. Anyone with a project relating to DACs should be engaging those communities.
- The Imperial IRWM has 9 DACs. IRWM groups can reach out, but they may not have someone who is able to participate. People need to be at meetings who can represent these interests.
 - Stakeholder assessments must include DAC representatives.
- “Engagement” is a better word. IRWM groups need to go out to these communities.
- The Santa Ana Watershed Project Authority (SAWPA) lightly engages the DACs, until there is a project. That is when full engagement comes in.
 - SAWPA “backs into” the IRWM. They do a broad, global assessment of the watershed and make connections with DACs. When there is a project identified, they engage the DACs. That’s when they back into IRWM. First SAWPA describes how they obtained the funding and what it will achieve.

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6. Increase DAC access to funding.

Item #a: State agencies should work with DACs and vulnerable populations and their advocates to review State government funding programs and develop guidelines that make funding fully accessible to disadvantaged and EJ communities. Item #b: State agencies should work with DACs, vulnerable populations and their advocates to develop technical assistance programs to support disadvantaged and EJ communities in actively and equally participating in planning process and accessing funding sources.

Discussion:

- Say “State agencies.”
- This action should address multiple aspects of working to increase access to funding: cooperation, collaboration, communication.
- Time delays in contracting are catastrophic for DACs.

7. Collect and maintain data on EJ and disadvantaged communities.

Item #a: State agencies should review current monitoring and regulatory programs to identify and address gaps in available data related to DACs and vulnerable populations.

Discussion:

- There has not been a good inventory done on small systems. We are doing that in Tulare.
- Matt Keeling, Central Coast Water Board, is working on census data and DAC definitions. ACTION ITEM: Colin Bailey will help connect.
- The Community Water Center and Fresno State have an inventory of small water systems. Funding is needed to inventory the very smalls (schools, trailer courts).
- An EPA funding report is due out in July or August.
- The UC Davis Center for Regional Change recently released a report on disadvantaged and EJ communities in eastern Coachella. *Revealing the Invisible Coachella Valley* was authored by Jonathan London, Teri Greenfield and Tara Zagofsky.

8. State agencies and water-planning stakeholders and entities should develop Water Plan goals and objectives, in coordination with Integrated Water Management (IRWM) partnerships, to resolve water-related public health issues in DACs .

Item #a: The Water Plan should include goals and objectives to ensure that all Californians have access to safe drinking water. Item #b: California Native American Tribes should provide goals and objectives to protect Tribal uses of water, especially those that impact the health of Tribal members (see Objective 12). Item #c: Developing statewide goals and objectives to reduce contaminants in fisheries to reduce risks to

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subsistence fishing communities. Item #d: Develop goals and objectives to restore and protect watersheds, working with community-based watershed groups.

Discussion:

- This might fit with the action on AB 685 or Action #5 (engagement).
9. Assess EJ water-related concerns on a regional level.

Item #a: Include this information in Water Plan regional reports. Item #b: Include provisions for disadvantaged and EJ communities in the guidelines for the IRWM planning and grant programs.

Discussion:

- This points to the regional connection to DACs.

Next Steps

ACTION ITEM: Colin Bailey will help connect with Matt Keeling, Central Coast Water Board, regarding DAC definition and inventory of communities.

ACTION ITEM: Connect with the Governor's Stakeholder Group regarding funding language. (Scheduled for their September meeting.)

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Attendance

In Room

Colin Bailey, Environmental Justice Coalition for Water

Karl Longley, California Water Institute, UC Fresno

Megan Fidell, DWR, RMS Coordinator, Progress Report Lead

Kamyar Guivetchi, DWR, Manager, Statewide Integrated Water Management

Paul Massera, DWR, Water Plan Program Manager

Lewis Moeller, DWR, Water Plan Project Manager

Lisa Beutler, MWH, Water Plan Executive Facilitator

Judie Talbot, CCP, Facilitator

Webinar

Angela Avery, Sierra Nevada Conservancy

Bruce Burton, California Department of Public Health

Anisa Divine, Imperial Irrigation District

Maria Kennedy, Co-Chair, Update 2013 DAC-EJ Caucus

Eric Osterling, Kings River Conservation District

Betty Yee, Central Valley Regional Water Board